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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/039,015

01/02/2002

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7590

12/02/2003

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EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,015

Applicant(s)

COLLINS, PAUL S.

Examiner

Alexander Gilman

Art Unit

2833

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2833

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Ishida et al.

With regard to claims 1, 2, Johnson et al (US 6,375,479) disclose a personal computer card (14) comprising:

- an extensible antenna (Abstract, lines 12-14);
- a coil spring (92); and
- a track (col. 11, lines 58-62) laterally displaced with respect to the coil spring.
- a catch (102) that retains the antenna (part of 24) in the retracted position,

With regard to claim 16, Johnson et al disclose a traveler (24) comprising:

- an antenna (Abstract, lines 12-14);
- a coil spring (92).

Johnson et al explicitly do not disclose that a track engaging element (102) forms a spring, particularly a cantilevered leaf spring.

Ishida et al (US 5,536,180) disclose (col. 3, lines 63-67 – col. 4, lines 1-8). the catch being spring biasing by cantilevered leaf spring (28)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Johnson et al catch as spring biasing by cantilevered leaf spring (28)

as taught by Ishida et al, to prevent any jam in a case of a small inclination of the traveler (24) from a linear movement.

Art Unit: 2833

With regard to claim 10, Johnson et al when modified by Ishida et al disclose (Fig. 10) the traveler (24) that mounts said antenna.

With regard to claims 11-13, Johnson et al when modified by Ishida et disclose (Johnson et al) the structural features of the computer card which is operated according to method steps claimed.

With regard to claims 14 and 15, Johnson et al when modified by Ishida et disclose (Johnson et al) that the antenna moves approximately 27 mm (col. 7, lines 35-39 and Fig.. 2-3).

With regard to claim 17, Johnson et al when modified by Ishida et a disclose (Johnson et al)track engaging element (98, 90) having U-shaped portion

Response to Arguments

Applicant's arguments filed 09/22/2003 have been fully considered but they are not persuasive.

With regard to claim 1, Applicants argue that the secondary reference (Ishida) uses the cantilevered leaf spring not in an antenna but for PC card mechanism.

However, in the rejection, Ishida was recited as a secondary reference teaching the spring catch to modify the primary reference (Johnson et al) teaching the antenna being engaged with catch. It was not assumed that the whole Ishida embodiment would be incorporated into Johnson.

The modification of the Johnson catch by making it as a spring for preventing jam in operation deems to be proper since the catches of Johnson et al and Ishida both are used in the same type of cam mechanism.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2833


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

11/25/2003


ALEXANDER GILMAN
PRIMARY EXAMINER